

357  
7-11-98  
IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THIS THE 16TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE V.K. SINGHAL

WRIT PETITION NOS. 17812-22/98, 17699-718/98,

IN W.P. Nos. 17812-22/98 AND 17971/1998.

BETWEEN:

W.P.No. 17812/98

1. M/s. Premier Associates,  
Ward No. III, Jamakhandi,  
Represented by its Partner  
S.B. Paragonda.

( CL-2 )

W.P.No. 17813/98

2. Jayavant Kalasappa Kale,  
Age : Major, Occ : Business,  
Bus Stand Road,  
Jamakhandi, Dist. Bijapur.

( CL-9 )

W.P.No. 17814/98

3. S.S. Lonari,  
Age : Major, Occ : Business,  
Jamakhandi.

( CL-2 )

W.P.No. 17815/98

4. B.K. Saliyan,  
Age : Major, Occ : Business,  
R/o. Ward No. II,  
Bijapur.

( CL-9 )

W.P.No. 17816/98

5. B.R. Kalal,  
Age : Major, Occ : Business,  
R/o. Basavana Bagewadi.

( CL-9 )

W.P.No. 17817/98

6. S.B. Ghodake,  
Age : Major, Occ : Business,  
R/o. Bijapur.

( CL-9 )

W.P.No. 17818/98

7. S.V. Patange,  
Age : Major, Occ : Business,  
R/o. Basavana Bagewadi,  
Dist. Bijapur.

( CL-2 )

W.P.No. 17819/98

8. M/s. Premier Associates,  
Bijapur Represented by  
its Partner,  
S.B. Paragonda.

( CL-1 )



W.P.No. 17820/98

9. B.Sundar Salian,  
Age : Major, Occ : Business,  
R/o. Bijapur.

( CL-2 )

W.P.No. 17821/98

10.D.D.Kamblekar,  
Age : Major, Occ : Business,  
R/o. Musti,  
Tq. Bagewadi, Dist. Bijapur.

( CL-2 )

W.P.No. 17822/98

11.Mayappa B.Chikkodi,  
Age : Major, Occ : Business,  
R/o. Nidagundi,  
Tq. Bagewadi, Dist. Bijapur.

( CL-2 )

(By Sri V.M.Sheelvant for Petrs.).... Petitioners.  
AND:

1. The State of Karnataka  
by its Secretary,  
Finance Department,  
Vidhana Soudha,  
Bangalore.
2. The Commissioner of Excise,  
Vakaligara Bhavan,  
K.R.Circle,  
Bangalore.
3. The Deputy Commissioner of Excise,  
Bijapur District,  
Bijapur.
4. The Deputy Commissioner of Excise,  
Bagalkot District,  
Bagalkot.
5. The Inspector of Excise,  
Bagalkot District,  
Bagalkot.
6. The Inspector of Excise,  
Bijapur District,  
Bijapur.

Respondents.

(By Smt. S.Sujatha, HCGP, for Respds.)

These Writ Petitions filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Direct the respondents not to insist the petitioner to pay the enhanced licence fee vide Ann.A and etc.



IN W.P.Nos.17699-718/1998:

Between:

1. Sri M.L.Srinivasa Rao,  
S/o H.Lakshman Rao,  
Hindu, Major,  
No.4201/3550  
B.H.Road,  
Tarikere Town,  
Chickmagalur District.
2. M/s Shantala Wine Stores,  
No.3110, Santhē Beedi,  
Tarikere Town,  
Chickmagalur District,  
Rep by its proprietor,  
*Sri. T.R. Seethappa*
3. N.Nagappa,  
S/o Veerappa,  
No.463, T.M.Road,  
Lakkolli Tarikere Taluk,  
Chickmagalur District.
4. Shilapa Bar & Restaurant,  
No.183, Tarikere-  
Hosadurga Road,  
Ajampur,  
Reptd by its Proprietor,  
*H. Ramachandra*
5. A.P.Chandrashekar,  
S/o Parameshwaraiah,  
No.3119/3025, Municipal Road,  
Tarikere,  
Chickmagalur District.
6. Smt.Lakshamma  
W/o K.Manjunath,  
No.32, Main Road,  
Shivani, Tarikere Taluk,  
Chickmagalur Dist.

... 4/-

.. XX



7. L.N.Annoji Rao,  
S/o Lingoji Rao,  
Hindu, Major,  
R/o Muddgodu village,  
No.13, Rangenahalli,  
T.M.Road,  
Chickmagalur Dist.

8. B.Thippeswamy,  
S/o H. Basappa,  
Hindu, Major,  
R/o No.96/89,  
Lingadahalli Road  
Ballavara village,  
Tarikere Taluk,  
Chikamagalur Dist.

9. Seenoji Rao,  
S/o Majoji Rao,  
Hindu, Major,  
No.556, T.M.Road,  
Lakkavalli,  
Tarikere Taluk,  
Chickmagalur Dist.

10. M.Manjunath,  
S/o Late Malayappa,  
Hindu, Major,  
No.80, T.M.Road,  
Ajjampura,  
by P.A.Holder, M.Lokesh

11. K.Sachidananda Shetty,  
S/o Narayana shetty,  
Hindu, Major,  
No.4, B.H.Road,  
Upara Basavana Halli,  
Tarikere,  
Chickmagalur.

12. M/s Madhu Bar & Restaurant,  
No.3668/3079(2),  
Municipal Road, Tarikere,  
Chickmagalur Dist,  
by its Proprietor,  
T.D. Maheshappa,

13. R.Hanumanth Rao,  
S/o Ranoji Rao,  
Hindu, Major,  
No.269-2, Berur-  
Hosadurga Road,  
Ajjampura.





14. N.M.Manjunatha Rao,  
S/o Muniswamy Rao,  
Hindu, Major,  
R/o No.3060/2865,  
B.H.Road, Tarikere  
Chickmagalur Dist.
15. T.K.Venkatesh,  
Hindu, Major,  
No.4156/3520,  
K.V.S.Compound,  
Tarikere, Chickmagalur Dist.
16. M.R.Prakash,  
S/o A.R.Ramiah,  
Hindu, Major,  
No.131, Bundre village,  
Shivani, R.S.Post,  
Tarikere,  
Chickmagalur Dist.
17. B.R.Siddappa,  
S/o H.S.Rudrappa,  
Hindu, Major, No.19,  
B.P.G.Complex,  
Tarikere,  
Chickmagalur Dist.
18. B.Tippeswamy,  
S/o Bheemappa,  
Hindu, Major,  
No.316, T.H.Road,  
Ajjampura, Tarikere.
19. Smt.Azmah,  
W/o Md.Hayath,  
Muslim, Major,  
No.3987/3754,  
B.H.Road,  
Tarikere.
20. Anil Kumar V  
S/o Late Vishwanth Rao,  
Hindu, Major,  
No.50/2, B.L.Road,  
Lingadahalli,  
Tarikere,  
Chickmagalur Dist

(By Sri G.V.P.Das for Petrs.)

... Petitioners  
... 6/-



AND:

1. The State of Karnataka,  
rep. by its Secretary,  
Finance Dept., Vidhana  
Soudha, Bangalore.
  2. The Commissioner of Excise  
in Karnataka, K.R.Circle,  
Vokkaligara Sangha Building,  
Bangalore.
  3. The Superintendent of Excise,  
N.R.Road, Bangalore.
  4. The Deputy Commissioner of Excise,  
Chickmagalur Dist.,  
Chickmagalur.
  5. The Inspector of Excise,  
Chickmagalur Dist.,  
Chickmagalur.
- ... Respondents.

(By Smt.S.Sujatha, HCGP, for Respds.)

These Writ Petitions filed under Articles 226  
& 227 of the Constitution of India with an affidavit  
praying to: Quash the circular dated 28-4-98  
issued by R1 vide Ann.B and etc.

IN W.P.No.17971/98:

BETWEEN:

M/s.Shivas Bar & Restaurant,  
Rep. by its Partner - Sri S.D.Bhat,  
Hotel Sreematha Deluxe Lodging &  
Boarding, Ginigera Road,  
No.9-7-680/81 & 82, Koppal,

Dist: Raichur.

... Petitioner.  
... 7/-

(By Sri Praveen Devashetty for Petr.)

AND:

1. The State of Karnataka,  
by its Secretary, Finance  
Dept., Vidhana Soudha,  
Bangalore.
2. The Commissioner of Excise,  
Vokkaligar Bhavan, K.R.Circle,  
Bangalore.
3. Deputy Commissioner of Excise,  
Raichur Dist., Raichur. ... Respondents.

(By Smt.S.Sujatha, HCGP, for Respdt.s.)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Quash the notification issued by R-1 dated 18-4-98 vide Ann.A and etc.

These Writ Petitions coming on for preliminary hearing this day, the Court made the following:

O R D E R

W.P.17699-718, 17812-22, 17971/1998.

The controversy in the present matter is regarding demand for enhanced security on the basis of the proposed amendment in the Rule. 8.

... 8/-

Rules have not taken the final shape. This matter was considered by this Court in W.P. Nos. 16788-809/98 <sup>and</sup> ~~another~~ similar matters D.D. 9-6-1998. In view of the said decision all these petitions are disposed of with the direction that the respondent would not insist for enhanced security for grant/renewal of the licence. The amount of security as per the existing notification alone would be required. The petitioner would further submit an undertaking that they will deposit the enhanced security if any in accordance with the final notification within 15 days from the date of issue of such notification.

If the application has not been submitted, the petitioners would be free to move to the Commissioner for extension of time.

The circular with regard to enhancement of the security amount will not be insisted upon.

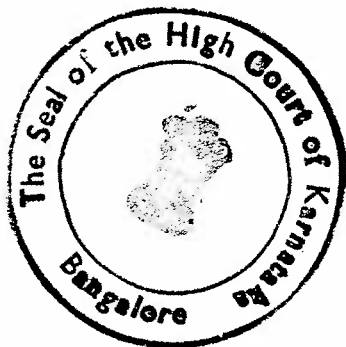
Petitions stand disposed of accordingly.

Sd/- Judge.

bsr(o.s.)

r.by: *L* 25/6/98

c.by: *D*



**COPY**

*Wz*

Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

*20/7/98* *TH 21/7/98*

